



OFFICE OF THE
BOARD OF APPEALS
TOWN OF DUNSTABLE
TOWN HALL
511 MAIN STREET
DUNSTABLE, MA 01827-1313

Approved
July 10, 2008

Schembechler Hearing
May 1, 2008

Members Present: Wesley Goss Joshua West
Judy Thompson Leo Tometich
Al Horton Lisa O'Connell

Members Absent: Alice Ekstrom

Petitioners Present: Geoffrey Schembechler, 36 Parkhurst Lane, Dunstable
Brian Weilbrenner (Builder), 20 Massapoag Way, Dunstable

Others Present: John Martin, 14 Massapoag Way, Dunstable
Theda Crocker, 76 Fairlawn Street, Lowell, MA 01851-4616
Brian Locapo, 59 Lower Dam Way, Dunstable

This meeting's intent was to file a formal decision with the Town Clerk regarding the application of Brian Weilbrenner for Geoff Schembechler for the property located at 12 Massapoag Way, Dunstable, MA for a variance from the Dunstable Zoning By-laws, Sections 4.2 and 4.3 alteration, reconstruction, extension or structural change of a nonconforming structure or lot, and Sections 11.1 and 11.3 dimensional lot requirements.

Wes Goss called the meeting to order and opened the hearing at 7:02 p.m. Lisa O'Connell read the hearing notice for the record. Wes introduced the members and explained the procedures of the hearing. He asked the petitioner to present his case.

Brian Weilbrenner stated that he was hired by the Schembechlers to build the house on the existing house lot at 12 Massapoag Way.

Wes Goss asked if there was a house there now.

Brian Weilbrenner said no.

Brian Locapo said the original house burnt down around 1978.

Brian Weilbrenner said that they were here because they would like to build a house on a pre-existing non-conforming lot according to Dunstable By-Law Section 4.4.

Wes Goss asked where the entrance was to the property.

Brian Weilbrenner said from Massapoag way. The lots were formed in 1959 before the current by-laws were in existence.

Lisa O'Connell asked if the only dimensional requirements that the new structure and lot would not meet with the current by-laws would be the lot size and the street frontage.

Brian Weilbrenner said, yes.

Wes Goss asked if anyone would like to speak in favor of the petition.

No one present to speak in favor.

Wes Goss asked if there was anyone present to speak against the petition.

John Martin said that he believes the proposed structure would be more detrimental to the neighborhood. It is the only structure that would be set back behind the others and infringe on their privacy.

Brian Weilbrenner said the other houses are much closer to the water.

John Martin said that he is 75 feet from the water.

Brian Weilbrenner said that the proposed structure would be 100+ feet from the water.

John Martin said the other properties were required to stay within the footprint of the previous houses. He said that all the other properties have 50 feet frontage on the lake and the Schembechlers have 46 feet.

Theda Crocker said that she would like the board to consider all of the details such as sewage, water, garages, cellar, shed, parking space. If when the original buyer split the properties, did they intend for anyone to build a house on the lot. She understood that no one could build there.

Geoff Schembechler said that they are not building behind John Martin's house. They will be behind the immediate abutters and they are not opposed to the proposed plan. He said that John Martin has a large structure at the back of his lot. Mr. Schembechler said they are within the bounds of the law.

Judy Thompson asked if there were two abutters on each side of the property.

Brian Weilbrenner said yes. He said their structures are already within 30 feet of the property lines and that is the problem.

Wes Goss said that he would like to confer with Town Counsel in this petition.

Judy Thompson asked if there was already a septic system or a well on the property.

Brian Weilbrenner said that there may have been a well.

Theda Crocker asked if they had an original plot plan.

Wes Goss said that the plan was already submitted to the board with the application.

Brian Weilbrenner said that he found nothing in the by-laws about properties on the lake requiring 50 feet of lake frontage. The original by-laws designated the area as a camping district and required 50 feet of street frontage and a lot area of 5,000 square feet.

Wes Goss asked if the board had any further questions.

There were no further questions.

Josh West made a motion to continue the hearing to Thursday, May 29, 2008 at 7:30 p.m. in order to seek Town Counsel's advice.

Al Horton seconded the motion and all were in favor.

The hearing will be continued to Thursday, May 29, 2000 at 7:30 p.m. at the Town Hall.